

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

ILLINOIS CENTRAL SCHOOL)	
BUS, LLC,)	
)	
Plaintiff,)	
)	CAUSE NO.: 2:15-CV-224-TLS
v.)	
)	
THE ARC OF NORTHWEST INDIANA,)	
INC.)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court sua sponte. The Court must continuously police its subject matter jurisdiction. *Hay v. Ind. State Bd. of Tax Comm'rs*, 312 F.3d 876, 879 (7th Cir. 2002).

The Complaint alleges that the Court's original subject matter jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332. Diversity jurisdiction exists when the parties to an action on each side are citizens of different states, with no defendant a citizen of the same state as any plaintiff, and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a)(1). In this case, the amount in controversy exceeds \$75,000.

As for diversity of citizenship, the Plaintiff is a limited liability company and the Defendant is a corporation. A limited liability company is analogous to a partnership and takes the citizenship of its members. *Belleville Catering Co. v. Champaign Mkt. Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003). If the members of the limited liability company are themselves limited liability companies, the plaintiff must also plead the citizenship of those members as of the date the complaint was filed. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007) (“[A]n LLC’s jurisdictional statement must identify the citizenship of each of its members as of the date

the complaint or notice of removal was filed, and, if those members have members, the citizenship of those members as well.”). A corporation, however, is deemed to be a citizen of every state and foreign state in which it has been incorporated and the state or foreign state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). The term “principal place of business” refers to the corporation’s “nerve center,” that is, the place where a corporation’s officers direct, control, and coordinate the corporation’s activities. *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93 (2010). Plaintiff Illinois Central School Bus, LLC, invoked this Court’s diversity jurisdiction by filing Indiana state law claims in federal court. As the party seeking federal jurisdiction, Illinois Central School Bus, LLC, has the burden of establishing that subject matter jurisdiction exists. *Smart v. Local 702 Int’l Bhd. of Elec. Workers*, 562 F.3d 798, 802-03 (7th Cir. 2009).

There is insufficient information for the Court to determine the Plaintiff’s citizenship, which is necessary to determine whether this case properly invokes this Court’s diversity jurisdiction. 28 U.S.C. § 1332. The Plaintiff “is a limited liability company organized and existing under the laws of the State of Illinois with its principal place of business located [in] . . . Joliet, Illinois.” (Compl. 1.) The “sole manager-member” of the Plaintiff is “North America Central School Bus Intermediate Holding Company LLC, which is a limited liability company organized and existing under the laws of the State of Delaware.” (*Id.*) The Plaintiff has not identified the members of North America Central School Bus Intermediate Holding Company LLC, and this information is necessary to determine whether diversity of citizenship exists. *Wise v. Wachovia Sec., LLC*, 450 F.3d 265, 267 (7th Cir. 2006).

The Court will also highlight that it is not the residency of an individual or a limited liability company that matters, but rather the citizenship of the individual or limited liability company. *See Meyerson v. Harrah’s E. Chi. Casino*, 299 F.3d 616, 617 (7th Cir. 2002) (per curiam). An individual’s citizenship depends on his or her domicile. *See id.* Domicile is the place one intends to remain. *Dakuras v.*

Edwards, 312 F.3d 256, 258 (7th Cir. 2002). As noted above, the citizenship of a limited liability company is the citizenship of each of its members, which in turn may be another limited liability company, an individual, or a corporation.

Therefore, the Court **ORDERS** Plaintiff Illinois Central School Bus, LLC, to submit, on or before, **July 25, 2016**, a jurisdictional statement and supporting brief providing:

(1) the members of North America Central School Bus Intermediate Holding Company LLC;

and

(2) the citizenship of the members of North America Central School Bus Intermediate Holding Company LLC.

SO ORDERED on July 15, 2016.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION